

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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HEWLETT-PACKARD COMPANY, :

Plaintiff, :

04 Civ. 2791 (TPG)(DCF)

- against - :

OPINION

FACTORY MUTUAL INSURANCE :
COMPANY, :

Defendant.
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The court has before it several motions which will be the subject of an oral argument to be held shortly. However, the court will dispose of two of the motions by this opinion.

Plaintiff moves to strike certain portions of the affidavit of Marlene Patrick and to strike documents attached to the declaration of Peter J. Barrett, Jr., all of which are included in the evidence submitted by defendant in connection with the pending motions for summary judgment. Plaintiff contends that these items are inadmissible for various reasons.

However, the court concludes that no purpose would be served in striking the materials from the record. The court will determine the weight to give or not to give to the evidence which has been submitted on the motions.


Defendant has moved to strike the declaration of Martin Simenc, which has been submitted by plaintiff in connection with the pending motions. Defendant contends that plaintiff has not complied with the requirements of

the discovery rules with respect to the Simenc declaration. The court disagrees, and believes that the Simenc declaration is properly part of the record on the motions.

Both motions to strike are therefore denied.

SO ORDERED.

Dated: New York, New York
March 22, 2007

A handwritten signature in black ink, reading "Thomas P. Griesa". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

THOMAS P. GRIESA
U.S.D.J.